

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

**B.D.S., AN INCAPACITATED
PERSON b/n/f SHERRILL MICHELLE
SMITH, and TIM WAYNE SMITH,
INDIVIDUALLY,**

Plaintiffs,

V.

NO. 2:10-cv-284

CLARENDON INDEPENDENT
SCHOOL DISTRICT by and through
MONTY HYSINGER,
SUPERINTENDENT, IN HIS OFFICIAL
AND INDIVIDUAL CAPACITY and
WAYNE HARDIN, PRESIDENT OF
THE CLARENDON INDEPENDENT
SCHOOL DISTRICT, IN HIS
OFFICIAL CAPACITY and
LARRY JEFFERS, PRINCIPAL, IN
HIS INDIVIDUAL CAPACITY,

Defendants.

JOINT REPORT REGARDING RULE 26(f) CONFERENCE

Pursuant to the Rule 16 Scheduling Order signed May 3, 2011, Counsel for Plaintiffs and Defendants held a Rule 26(f) conference on May 24, 2011, and submit the following Joint Report Regarding Rule 26(f) Conference.

1. Counsel considered the nature and basis of their claims and defenses and the possibility for a prompt settlement or resolution of the case and to make the disclosures required by Rule 26(a)(1). Without the benefit of discovery, the parties are not in a position to meaningfully discuss settlement at this time. Counsel will serve Rule 26(a)(1) disclosures on or before June 6, 2011. There are no requested changes in the timing, form or requirement for the disclosures under Rule 26(a)(1).

2. Discovery will be necessary regarding both liability and damages. Counsel discussed the exchange of initial written discovery, including interrogatories, requests for production and requests for admission, and taking oral depositions. Counsel agreed that initial written discovery should be completed during the initial sixty days of discovery; that depositions of the parties and fact witnesses shall be completed during the next sixty days, and that depositions of experts should be completed within forty days after expert reports are delivered. The Scheduling Order provides sufficient time for any follow-up discovery. The parties agree to cooperate in providing information and expert reports, and completing all discovery as expeditiously as possible. Discovery should not be conducted in phases or limited to particular issues.

3. At this time, counsel do not foresee any issues related to disclosure or discovery of electronically stored information.

4. At this time, counsel do not foresee any issues related to claims of privilege or protection regarding trial-preparation material, but will first work together in an attempt to resolve any such issues without need for Court involvement.

5. Counsel agree that the limitations contained in the Original Rule 16 Scheduling Order are appropriate and that no other limitations should be imposed.

6. There are no additional orders from the Court that are necessary or which should be entered under Rule 26(c) or Rule 16(b) and (c).

DATED: May 24, 2011.

Respectfully submitted,

By: /s/ Martin J. Cirkiel

Martin J. Cirkiel

Mr. Martin J. Cirkiel
Cirkiel & Associates, P.C.
State Bar No. 00783829
marty@cirkielaw.com
1901 E. Palm Valley Boulevard
Round Rock, Texas 78664
Telephone: (512) 244-6658
Fax: (512) 244-6014

ATTORNEY FOR PLAINTIFFS

By: /s/ Slater C. Elza

Slater C. Elza

Slater C. Elza
State Bar No. 24000747
Slater.Elza@uwlaw.com
Andrea Slater Gulley
State Bar No. 24045994
Andrea.Gulley@uwlaw.com
Underwood, Wilson, Berry,
Stein & Johnson, P.C.
P.O. Box 9158
Amarillo, Texas 79105-0158
Telephone: (806) 376-5613
Fax: (806) 349-9474

ATTORNEYS FOR DEFENDANTS